

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

JIM ANDERSON, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs</i> ,	)	
v.	)	No. 1:07-CV-100
	)	
HARRY F. THOMPSON, <i>et al.</i> ,	)	Chief Judge Curtis L. Collier
	)	
<i>Defendants</i> .	)	

**ORDER**

The trial in this case was set to commence on October 1, 2008. Before the start of trial the Court conducted a hearing. At the hearing, the parties made an oral request to dismiss the case. Pursuant to Fed. R. Civ. P. 23.1 and 41, the Court **DISMISSES WITHOUT PREJUDICE** the claims brought by Plaintiffs and the counterclaims brought by Defendants. The parties are **ORDERED** to give notice of this dismissal to shareholders. Notice may consist of either a copy of this Order or a summary of the litigation proceedings and the effect of this Order.<sup>1</sup>

The following conditions shall be imposed on recommencement:

1. The case must be refiled in the Eastern District of Tennessee before this Court.
2. All previous rulings and entries on the docket for this case shall stand and the case will be in the same posture as at the date of the dismissal.

Finally, since the parties failed to raise this motion until the morning of the jury trial, when the Court had already assembled a jury pool, pursuant to E.D. TN. LR 68.2 and *Howard v. Allstate Indem. Co.*, 176 F.R.D. 265, 267-69 (E.D. Tenn. 1997), the Court **ORDERS** jury costs be assessed against Plaintiffs in the amount of \$2,123.75. Payment shall be made within 30 days from the date

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<sup>1</sup>Further information regarding this case is available in the court files.

of this Order to U.S. District Court, 900 Georgia Ave., Room 309, Chattanooga, TN 37402.

The Clerk of Court is **DIRECTED** to close the case.

**SO ORDERED.**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**